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**IN THE UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**  
**SOUTHERN DIVISION**

DOROTHY McKAY, DIANA  
 KILGORE, PHILLIP WILLMS,  
 FRED KOGEN, DAVID WEISS, and  
 THE CRPA FOUNDATION,

Plaintiffs,

v.

SHERIFF SANDRA HUTCHENS,  
 individually and in her official  
 capacity as Sheriff of Orange County,  
 California, ORANGE COUNTY  
 SHERIFF-CORONER  
 DEPARTMENT, COUNTY OF  
 ORANGE, CALIFORNIA, and  
 DOES 1-10,

Defendants.

**CASE NO.: SACV 12-1458JVS (JPRx)**  
**NOTICE OF MOTION AND MOTION**  
**FOR PRELIMINARY INJUNCTION**

Date: October 15, 2012  
 Time: 1:30 p.m.  
 Location: Ronald Reagan Federal  
 Building  
 411 West Fourth Street  
 Room 1053  
 Santa Ana, CA 92701  
 Courtroom: 10C  
 Judge: James V. Selna  
 Date Action Filed: September 5, 2012

**TO DEFENDANTS AND THEIR ATTORNEYS OF RECORD:**

Notice is hereby given that on October 15, 2012, at 1:30 p.m., or as soon thereafter as counsel may be heard by the above-entitled Court, located at 411 West Fourth Street, Santa Ana, California, in the courtroom of the Honorable Judge James V. Selna, Plaintiffs Dorothy McKay, Diana Kilgore, Phillip Willms, Fred Kogen, David Weiss, and The CRPA Foundation (collectively, "Plaintiffs") will and hereby do move for preliminary injunction pursuant to Rule 65(a) of the Federal Rules of Civil Procedure.

Plaintiffs will seek an order preliminarily enjoining Defendant Sheriff Hutchens, her officers, agents, servants, employees, attorneys, and all other persons who are in active concert or participation with her and who receive actual notice of the injunction from:

1. Enforcing Sheriff Hutchens' policy implementing the "good cause" criterion of California Penal Code section 26150(a)(2) for the issuance of licenses that allow for the carrying of loaded handguns generally in public ("Carry Licenses") in any manner that does not recognize a general desire for self-defense as satisfying the "good cause" criterion of California Penal Code section 26150(a)(2) pending resolution of this case on the merits; or, in the alternative,
2. Enforcing the "good cause" requirement of California Penal Code section 26150(a)(2) for the issuance of Carry Licenses in any manner pending resolution of this case on the merits.

This Motion will be made on the grounds that immediate and irreparable injury will result to Plaintiffs unless the activities described above are enjoined pending resolution of this action, Plaintiffs are likely to succeed on the merits because Sheriff Hutchens' policy and practice of denying Carry Licenses to law-abiding, competent citizens violates Plaintiffs' right to keep and bear arms under the Second Amendment and, in particular, their right to "possess and carry firearms in case of confrontation" for self-defense purposes, as well as their rights under the

1 Equal Protection Clause.

2 Further, this motion will be based on this notice of motion and motion, the  
3 accompanying memorandum of points and authorities, the declarations and  
4 materials filed concurrently herewith, any matters of which the court may or is  
5 required to take judicial notice, the papers on file, and upon any further matters the  
6 Court deems appropriate.

7 Dated: September 11, 2012

**MICHEL & ASSOCIATES, PC**

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9 /s/ C. D. Michel  
10 C. D. MICHEL  
11 Attorney for Plaintiffs  
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